

locations, and aggregates under this paragraph shall be considered the appropriate limits, allocations, and aggregates for purposes of congressional enforcement of this Act and concurrent budget resolutions under this Act.

(2) Reporting revised suballocations

Following the adjustments made under paragraph (1), the Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations pursuant to sections 633(b) and 665a(b) of this title to carry out this subsection.

(3) Definitions

As used in this section, the terms “continuing disability reviews”, “additional new budget authority”, and “additional outlays” shall have the same meanings as provided in section 251(b)(2)(H)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 901(b)(2)(H)(ii)].

(Pub. L. 93-344, title VI, § 606, as added Pub. L. 101-508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388-606; amended Pub. L. 104-121, title I, § 103(c), Mar. 29, 1996, 110 Stat. 849; Pub. L. 104-193, title II, § 211(d)(5)(C), Aug. 22, 1996, 110 Stat. 2192.)

REFERENCES IN TEXT

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (b), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, as amended, which enacted chapter 20 (§ 900 et seq.) and sections 654 to 656 of this title, amended sections 602, 622, 631 to 642, and 651 to 653 of this title, sections 1104 to 1106, and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of this title, enacted provisions set out as notes under section 900 of this title and section 911 of Title 42, and amended provisions set out as a note under section 621 of this title. Part C of the Act is classified generally to subchapter I (§ 900 et seq.) of chapter 20 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 900 of this title and Tables.

The enactment of the Contract with America Advancement Act of 1996, referred to in subsec. (e)(1)(A), means the date of enactment of Pub. L. 104-121, which was approved Mar. 29, 1996.

This Act, referred to in subsec. (e)(1)(D), means Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A, and 17B, and section 190a-3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c-1 of former Title 31, and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a-1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

PRIOR PROVISIONS

A prior section 606 of Pub. L. 93-344, title VI, July 12, 1974, 88 Stat. 325, was classified to section 661 of this title, prior to repeal by Pub. L. 99-177, title II, § 223, Dec. 12, 1985, 99 Stat. 1060.

AMENDMENTS

1996—Subsec. (e). Pub. L. 104-121 added subsec. (e). Subsec. (e)(1)(B). Pub. L. 104-193 inserted at end “If the adjustments referred to in the preceding sentence

are made for an appropriations measure that is not enacted into law, then the Chairman of the Committee on the Budget of the House of Representatives shall, as soon as practicable, reverse those adjustments. The Chairman of the Committee on the Budget of the House of Representatives shall submit any adjustments made under this subparagraph to the House of Representatives and have such adjustments published in the Congressional Record.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 14211.

CHAPTER 17B—IMPOUNDMENT CONTROL AND LINE ITEM VETO

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 22 section 3224a; title 31 section 1512; title 42 section 6240.

SUBCHAPTER I—GENERAL PROVISIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 691 of this title.

§ 681. Disclaimer

Nothing contained in this Act, or in any amendments made by this Act, shall be construed as—

- (1) asserting or conceding the constitutional powers or limitations of either the Congress or the President;
- (2) ratifying or approving any impoundment heretofore or hereafter executed or approved by the President or any other Federal officer or employee, except insofar as pursuant to statutory authorization then in effect;
- (3) affecting in any way the claims or defenses of any party to litigation concerning any impoundment; or
- (4) superseding any provision of law which requires the obligation of budget authority or the making of outlays thereunder.

(Pub. L. 93-344, title X, §1001, July 12, 1974, 88 Stat. 332.)

REFERENCES IN TEXT

This Act, referred to in provision preceding par. (1), means Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A, and 17B, and section 190a-3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c-1 of former Title 31 and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a-1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

CODIFICATION

Section was formerly classified to section 1400 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

EFFECTIVE DATE

Chapter effective July 12, 1974, see section 905(a) of Pub. L. 93-344, set out as a note under section 621 of this title.

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-130, §1, Apr. 9, 1996, 110 Stat. 1200, provided that: "This Act [enacting subchapter III (§691 et seq.) of this chapter and provisions set out as a note under section 691 of this title and amending provisions set out as notes under section 621 of this title] may be cited as the 'Line Item Veto Act'."

SHORT TITLE

Section 1(a) of Pub. L. 93-344 (set out as a note under section 621 of this title) provided, in part, that: "Parts A and B of title X [subchapters I and II of this chapter] may be cited as the 'Impoundment Control Act of 1974'. Part C of title X [subchapter III of this chapter] may be cited as the 'Line Item Veto Act of 1996'."

SUBCHAPTER II—CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISSIONS, RESERVATIONS, AND DEFERRALS OF BUDGET AUTHORITY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 691 of this title.

§ 682. Definitions

For purposes of sections 682 to 688 of this title—

- (1) "deferral of budget authority" includes—

- (A) withholding or delaying the obligation or expenditure of budget authority (whether by establishing reserves or otherwise) provided for projects or activities; or

- (B) any other type of Executive action or inaction which effectively precludes the obligation or expenditure of budget authority, including authority to obligate by contract in advance of appropriations as specifically authorized by law;

- (2) "Comptroller General" means the Comptroller General of the United States;

- (3) "rescission bill" means a bill or joint resolution which only rescinds, in whole or in part, budget authority proposed to be rescinded in a special message transmitted by the President under section 683 of this title, and upon which the Congress completes action before the end of the first period of 45 calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress;

- (4) "impoundment resolution" means a resolution of the House of Representatives or the Senate which only expresses its disapproval of a proposed deferral of budget authority set forth in a special message transmitted by the President under section 684 of this title; and

- (5) continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 45-day period referred to in paragraph (3) of this section and in section 683 of this title, and the 25-day periods referred to in sections 687 and 688(b)(1) of this title. If a special message is transmitted under section 683 of this title during any Congress and the last session of such Congress adjourns sine die before the expiration of 45 calendar days of continuous session (or a special message is so

transmitted after the last session of the Congress adjourns sine die), the message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the 45-day period referred to in paragraph (3) of this section and in section 683 of this title (with respect to such message) shall commence on the day after such first day.

(Pub. L. 93-344, title X, §1011, July 12, 1974, 88 Stat. 333.)

CODIFICATION

Section was formerly classified to section 1401 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 45 sections 721, 726.

§ 683. Rescission of budget authority

(a) Transmittal of special message

Whenever the President determines that all or part of any budget authority will not be required to carry out the full objectives or scope of programs for which it is provided or that such budget authority should be rescinded for fiscal policy or other reasons (including the termination of authorized projects or activities for which budget authority has been provided), or whenever all or part of budget authority provided for only one fiscal year is to be reserved from obligation for such fiscal year, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority which he proposes to be rescinded or which is to be so reserved;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons why the budget authority should be rescinded or is to be so reserved;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed rescission or of the reservation; and

(5) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission or the reservation and the decision to effect the proposed rescission or the reservation, and to the maximum extent practicable, the estimated effect of the proposed rescission or the reservation upon the objects, purposes, and programs for which the budget authority is provided.

(b) Requirement to make available for obligation

Any amount of budget authority proposed to be rescinded or that is to be reserved as set forth in such special message shall be made available for obligation unless, within the prescribed 45-day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded or that is to be reserved. Funds made available for obligation under this procedure may not be proposed for rescission again.

(Pub. L. 93-344, title X, §1012, July 12, 1974, 88 Stat. 333; Pub. L. 100-119, title II, §207, Sept. 29, 1987, 101 Stat. 786.)

CODIFICATION

Section was formerly classified to section 1402 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1987—Subsec. (b). Pub. L. 100-119 inserted at end “Funds made available for obligation under this procedure may not be proposed for rescission again.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 682, 684, 685, 686 of this title.

§ 684. Proposed deferrals of budget authority

(a) Transmittal of special message

Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States proposes to defer any budget authority provided for a specific purpose or project, the President shall transmit to the House of Representatives and the Senate a special message specifying—

(1) the amount of the budget authority proposed to be deferred;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific projects or governmental functions involved;

(3) the period of time during which the budget authority is proposed to be deferred;

(4) the reasons for the proposed deferral, including any legal authority invoked to justify the proposed deferral;

(5) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed deferral; and

(6) all facts, circumstances, and considerations relating to or bearing upon the proposed deferral and the decision to effect the proposed deferral, including an analysis of such facts, circumstances, and considerations in terms of their application to any legal authority, including specific elements of legal authority, invoked to justify such proposed deferral, and to the maximum extent practicable, the estimated effect of the proposed deferral upon the objects, purposes, and programs for which the budget authority is provided.

A special message may include one or more proposed deferrals of budget authority. A deferral may not be proposed for any period of time extending beyond the end of the fiscal year in which the special message proposing the deferral is transmitted to the House and the Senate.

(b) Consistency with legislative policy

Deferrals shall be permissible only—

(1) to provide for contingencies;

(2) to achieve savings made possible by or through changes in requirements or greater efficiency of operations; or

(3) as specifically provided by law.

No officer or employee of the United States may defer any budget authority for any other purpose.

(c) Exception

The provisions of this section do not apply to any budget authority proposed to be rescinded or that is to be reserved as set forth in a special message required to be transmitted under section 683 of this title.

(Pub. L. 93-344, title X, §1013, July 12, 1974, 88 Stat. 334; Pub. L. 100-119, title II, §206(a), Sept. 29, 1987, 101 Stat. 785.)

CODIFICATION

Section was formerly classified to section 1403 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1987—Pub. L. 100-119 amended section generally, substituting substantially similar provisions in subsecs. (a) and (c) and substituting subsec. (b) for former subsec. (b) which read as follows: “Any amount of budget authority proposed to be deferred, as set forth in a special message transmitted under subsection (a) of this section, shall be made available for obligation if either House of Congress passes an impoundment resolution disapproving such proposed deferral.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 682, 685, 686 of this title.

§ 685. Transmission of messages; publication

(a) Delivery to House and Senate

Each special message transmitted under section 683 or 684 of this title shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committee of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(b) Delivery to Comptroller General

A copy of each special message transmitted under section 683 or 684 of this title, shall be transmitted to the Comptroller General on the same day it is transmitted to the House of Representatives and the Senate. In order to assist the Congress in the exercise of its functions under section 683 or 684 of this title, the Comptroller General shall review each such message and inform the House of Representatives and the Senate as promptly as practicable with respect to—

(1) in the case of a special message transmitted under section 683 of this title, the facts surrounding the proposed rescission or the reservation of budget authority (including the probable effects thereof); and

(2) in the case of a special message transmitted under section 684 of this title, (A) the facts surrounding each proposed deferral of budget authority (including the probable effects thereof) and (B) whether or not (or to what ex-

tent), in his judgment, such proposed deferral is in accordance with existing statutory authority.

(c) Transmission of supplementary messages

If any information contained in a special message transmitted under section 683 or 684 of this title is subsequently revised, the President shall transmit to both Houses of Congress and the Comptroller General a supplementary message stating and explaining such revision. Any such supplementary message shall be delivered, referred, and printed as provided in subsection (a) of this section. The Comptroller General shall promptly notify the House of Representatives and the Senate of any changes in the information submitted by him under subsection (b) of this section which may be necessitated by such revision.

(d) Printing in Federal Register

Any special message transmitted under section 683 or 684 of this title, and any supplementary message transmitted under subsection (c) of this section, shall be printed in the first issue of the Federal Register published after such transmittal.

(e) Cumulative reports of proposed rescissions, reservations, and deferrals of budget authority

(1) The President shall submit a report to the House of Representatives and the Senate, not later than the 10th day of each month during a fiscal year, listing all budget authority for that fiscal year with respect to which, as of the first day of such month—

(A) he has transmitted a special message under section 683 of this title with respect to a proposed rescission or a reservation; and

(B) he has transmitted a special message under section 684 of this title proposing a deferral.

Such report shall also contain, with respect to each such proposed rescission or deferral, or each such reservation, the information required to be submitted in the special message with respect thereto under section 683 or 684 of this title.

(2) Each report submitted under paragraph (1) shall be printed in the first issue of the Federal Register published after its submission.

(Pub. L. 93-344, title X, §1014, July 12, 1974, 88 Stat. 335.)

CODIFICATION

Section was formerly classified to section 1404 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

EX. ORD. NO. 11845. DELEGATION OF CERTAIN REPORTING FUNCTIONS TO DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

Ex. Ord. No. 11845, Mar. 24, 1975, 40 F.R. 13299, as amended by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By virtue of the authority vested in me by the Impoundment Control Act of 1974 (Public Law 93-344; 88 Stat. 332, (2 U.S.C. 681 et seq.), hereinafter referred to as the Act) [subchapters I and II of this chapter], and section 301 of title 3 of the United States Code, the Director of the Office of Management and Budget is here-

by designated and empowered to exercise, as of October 1, 1974 without ratification or other action of the President (1) the functions required by sections 1014(b) and 1014(d) of the Act [subsecs. (b) and (d) of this section] of transmitting to the Comptroller General of the United States and to the Office of the Federal Register copies of special messages transmitted pursuant to section 1012 or 1013 (2 U.S.C. 683 and 684) of the Act; and (2) the function conferred upon the President by section 1014(e) of the Act (2 U.S.C. 685(e)) of submitting to the Congress cumulative reports of proposed rescissions, reservations, and deferrals of budget authority.

§ 686. Reports by Comptroller General

(a) Failure to transmit special message

If the Comptroller General finds that the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any other officer or employee of the United States—

(1) is to establish a reserve or proposes to defer budget authority with respect to which the President is required to transmit a special message under section 683 or 684 of this title; or

(2) has ordered, permitted, or approved the establishment of such a reserve or a deferral of budget authority;

and that the President has failed to transmit a special message with respect to such reserve or deferral, the Comptroller General shall make a report on such reserve or deferral and any available information concerning it to both Houses of Congress. The provisions of sections 682 to 688 of this title shall apply with respect to such reserve or deferral in the same manner and with the same effect as if such report of the Comptroller General were a special message transmitted by the President under section 683 or 684 of this title, and, for purposes of sections 682 to 688 of this title, such report shall be considered a special message transmitted under section 683 or 684 of this title.

(b) Incorrect classification of special message

If the President has transmitted a special message to both Houses of Congress in accordance with section 683 or 684 of this title, and the Comptroller General believes that the President so transmitted the special message in accordance with one of those sections when the special message should have been transmitted in accordance with the other of those sections, the Comptroller General shall make a report to both Houses of the Congress setting forth his reasons. (Pub. L. 93-344, title X, §1015, July 12, 1974, 88 Stat. 336.)

CODIFICATION

Section was formerly classified to section 1405 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

REAFFIRMATION

Pub. L. 100-119, title II, §206(c), Sept. 29, 1987, 101 Stat. 786, provided that: "Sections 1015 and 1016 of the Impoundment Control Act of 1974 [2 U.S.C. 686, 687] are reaffirmed."

§ 687. Suits by Comptroller General

If, under this chapter, budget authority is required to be made available for obligation and

such budget authority is not made available for obligation, the Comptroller General is hereby expressly empowered, through attorneys of his own selection, to bring a civil action in the United States District Court for the District of Columbia to require such budget authority to be made available for obligation, and such court is hereby expressly empowered to enter in such civil action, against any department, agency, officer, or employee of the United States, any decree, judgment, or order which may be necessary or appropriate to make such budget authority available for obligation. No civil action shall be brought by the Comptroller General under this section until the expiration of 25 calendar days of continuous session of the Congress following the date on which an explanatory statement by the Comptroller General of the circumstances giving rise to the action contemplated has been filed with the Speaker of the House of Representatives and the President of the Senate.

(Pub. L. 93-344, title X, §1016, July 12, 1974, 88 Stat. 336; Pub. L. 98-620, title IV, §402(35), Nov. 8, 1984, 98 Stat. 3360; Pub. L. 100-119, title II, §206(b), Sept. 29, 1987, 101 Stat. 786.)

CODIFICATION

Section was formerly classified to section 1406 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1987—Pub. L. 100-119 substituted "If, under this chapter" for "If, under section 683(b) or 684(b) of this title".

1984—Pub. L. 98-620 struck out provision requiring that the courts give precedence to civil actions brought under this section, and to appeals and writs from decisions in such actions, over all other civil actions, appeals, and writs.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

REAFFIRMATION

For provision reaffirming this section, see section 206(c) of Pub. L. 100-119, set out as a note under section 686 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 682 of this title.

§ 688. Procedure in House of Representatives and Senate

(a) Referral

Any rescission bill introduced with respect to a special message or impoundment resolution introduced with respect to a proposed deferral of budget authority shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.

(b) Discharge of committee

(1) If the committee to which a rescission bill or impoundment resolution has been referred has not reported it at the end of 25 calendar days of continuous session of the Congress after its introduction, it is in order to move either to discharge the committee from further consider-

ation of the bill or resolution or to discharge the committee from further consideration of any other rescission bill with respect to the same special message or impoundment resolution with respect to the same proposed deferral, as the case may be, which has been referred to the committee.

(2) A motion to discharge may be made only by an individual favoring the bill or resolution, may be made only if supported by one-fifth of the Members of the House involved (a quorum being present), and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a bill or resolution with respect to the same special message or the same proposed deferral, as the case may be); and debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between those favoring and those opposing the bill or resolution, and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(c) Floor consideration in House

(1) When the committee of the House of Representatives has reported, or has been discharged from further consideration of, a rescission bill or impoundment resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the bill or resolution. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on a rescission bill or impoundment resolution shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the bill or resolution. A motion further to limit debate shall not be debatable. In the case of an impoundment resolution, no amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to move to reconsider the vote by which a rescission bill or impoundment resolution is agreed to or disagreed to.

(3) Motions to postpone, made with respect to the consideration of a rescission bill or impoundment resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any rescission bill or impoundment resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of any rescission bill or impoundment resolution and amendments thereto (or any conference report thereon) shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions, amend-

ments, and conference reports in similar circumstances.

(d) Floor consideration in Senate

(1) Debate in the Senate on any rescission bill or impoundment resolution, and all amendments thereto (in the case of a rescission bill) and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate on any amendment to a rescission bill shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the bill. Debate on any amendment to an amendment, to such a bill, and debate on any debatable motion or appeal in connection with such a bill or an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or resolution, except that in the event the manager of the bill or resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of a rescission bill shall be received. Such leaders, or either of them, may, from the time under their control on the passage of a rescission bill or impoundment resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) A motion to further limit debate is not debatable. In the case of a rescission bill, a motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution. In the case of an impoundment resolution, no amendment or motion to recommit is in order.

(4) The conference report on any rescission bill shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such a conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference report may be made even though a previous motion to the same effect has been disagreed to.

(5) During the consideration in the Senate of the conference report on any rescission bill, debate shall be limited to 2 hours to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(6) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to one hour, to be equally divided between, and controlled by, the manager of the conference re-

port and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(7) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(Pub. L. 93-344, title X, §1017, July 12, 1974, 88 Stat. 337.)

CODIFICATION

Section was formerly classified to section 1407 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 682 of this title; title 22 section 3224a; title 45 sections 721, 726.

SUBCHAPTER III—LINE ITEM VETO

TERMINATION OF SUBCHAPTER

For termination of subchapter, see Effective and Termination Dates note set out under section 691 of this title.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 692 of this title.

§ 691. Line item veto authority

(a) In general

Notwithstanding the provisions of subchapters I and II of this chapter, and subject to the provisions of this subchapter, the President may, with respect to any bill or joint resolution that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States, cancel in whole—

- (1) any dollar amount of discretionary budget authority;
- (2) any item of new direct spending; or
- (3) any limited tax benefit;

if the President—

- (A) determines that such cancellation will—
 - (i) reduce the Federal budget deficit;
 - (ii) not impair any essential Government functions; and
 - (iii) not harm the national interest; and

(B) notifies the Congress of such cancellation by transmitting a special message, in accordance with section 691a of this title, within five calendar days (excluding Sundays) after

the enactment of the law providing the dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit that was canceled.

(b) Identification of cancellations

In identifying dollar amounts of discretionary budget authority, items of new direct spending, and limited tax benefits for cancellation, the President shall—

- (1) consider the legislative history, construction, and purposes of the law which contains such dollar amounts, items, or benefits;
- (2) consider any specific sources of information referenced in such law or, in the absence of specific sources of information, the best available information; and
- (3) use the definitions contained in section 691e of this title in applying this subchapter to the specific provisions of such law.

(c) Exception for disapproval bills

The authority granted by subsection (a) of this section shall not apply to any dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit contained in any law that is a disapproval bill as defined in section 691e of this title.

(Pub. L. 93-344, title X, §1021, as added Pub. L. 104-130, §2(a), Apr. 9, 1996, 110 Stat. 1200.)

TERMINATION OF SECTION

For termination of section by section 5 of Pub. L. 104-130, see Effective and Termination Dates note below.

EFFECTIVE AND TERMINATION DATES

Section 5 of Pub. L. 104-130 provided that: “This Act [enacting this subchapter and provisions set out as a note under section 681 of this title and amending provisions set out as notes under section 621 of this title] and the amendments made by it shall take effect and apply to measures enacted on the earlier of—

- “(1) the day after the enactment into law, pursuant to Article I, section 7, of the Constitution of the United States, of an Act entitled ‘An Act to provide for a seven-year plan for deficit reduction and achieve a balanced Federal budget.’; or
- “(2) January 1, 1997;

and shall have no force or effect on or after January 1, 2005.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 691a, 691c, 691f of this title.

§ 691a. Special messages

(a) In general

For each law from which a cancellation has been made under this subchapter, the President shall transmit a single special message to the Congress.

(b) Contents

- (1) The special message shall specify—

(A) the dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit which has been canceled, and provide a corresponding reference number for each cancellation;

(B) the determinations required under section 691(a) of this title, together with any supporting material;

(C) the reasons for the cancellation;

(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the cancellation;

(E) all facts, circumstances and considerations relating to or bearing upon the cancellation, and to the maximum extent practicable, the estimated effect of the cancellation upon the objects, purposes and programs for which the canceled authority was provided; and

(F) include the adjustments that will be made pursuant to section 691c of this title to the discretionary spending limits under section 665 of this title and an evaluation of the effects of those adjustments upon the sequestration procedures of section 901 of this title.

(2) In the case of a cancellation of any dollar amount of discretionary budget authority or item of new direct spending, the special message shall also include, if applicable—

(A) any account, department, or establishment of the Government for which such budget authority was to have been available for obligation and the specific project or governmental functions involved;

(B) the specific States and congressional districts, if any, affected by the cancellation; and

(C) the total number of cancellations imposed during the current session of Congress on States and congressional districts identified in subparagraph (B).

(c) Transmission of special messages to House and Senate

(1) The President shall transmit to the Congress each special message under this subchapter within five calendar days (excluding Sundays) after enactment of the law to which the cancellation applies. Each special message shall be transmitted to the House of Representatives and the Senate on the same calendar day. Such special message shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session.

(2) Any special message transmitted under this subchapter shall be printed in the first issue of the Federal Register published after such transmittal.

(Pub. L. 93-344, title X, §1022, as added Pub. L. 104-130, §2(a), Apr. 9, 1996, 110 Stat. 1201.)

TERMINATION OF SECTION

For termination of section by section 5 of Pub. L. 104-130, see Effective and Termination Dates note set out under section 691 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 691 of this title.

§ 691b. Cancellation effective unless disapproved

(a) In general

The cancellation of any dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit shall take effect upon receipt in the House of Representatives and the Senate of the special message notifying the Congress of the cancellation. If a disapproval bill for such special message is enacted

into law, then all cancellations disapproved in that law shall be null and void and any such dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit shall be effective as of the original date provided in the law to which the cancellation applied.

(b) Commensurate reductions in discretionary budget authority

Upon the cancellation of a dollar amount of discretionary budget authority under subsection (a) of this section, the total appropriation for each relevant account of which that dollar amount is a part shall be simultaneously reduced by the dollar amount of that cancellation.

(Pub. L. 93-344, title X, §1023, as added Pub. L. 104-130, §2(a), Apr. 9, 1996, 110 Stat. 1202.)

TERMINATION OF SECTION

For termination of section by section 5 of Pub. L. 104-130, see Effective and Termination Dates note set out under section 691 of this title.

§ 691c. Deficit reduction

(a) In general

(1) Discretionary budget authority

OMB shall, for each dollar amount of discretionary budget authority and for each item of new direct spending canceled from an appropriation law under section 691(a) of this title—

(A) reflect the reduction that results from such cancellation in the estimates required by section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 901(a)(7)] in accordance with that Act [2 U.S.C. 900 et seq.], including an estimate of the reduction of the budget authority and the reduction in outlays flowing from such reduction of budget authority for each out-year; and

(B) include a reduction to the discretionary spending limits for budget authority and outlays in accordance with the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 900 et seq.] for each applicable fiscal year set forth in section 665(a)(2) of this title by amounts equal to the amounts for each fiscal year estimated pursuant to subparagraph (A).

(2) Direct spending and limited tax benefits

(A) OMB shall, for each item of new direct spending or limited tax benefit canceled from a law under section 691(a) of this title, estimate the deficit decrease caused by the cancellation of such item or benefit in that law and include such estimate as a separate entry in the report prepared pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902(d)].

(B) OMB shall not include any change in the deficit resulting from a cancellation of any item of new direct spending or limited tax benefit, or the enactment of a disapproval bill for any such cancellation, under this subchapter in the estimates and reports required by sections 252(b) and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902(b), 904].

(b) Adjustments to spending limits

After ten calendar days (excluding Sundays) after the expiration of the time period in section 691d(b)(1) of this title for expedited congressional consideration of a disapproval bill for a special message containing a cancellation of discretionary budget authority, OMB shall make the reduction included in subsection (a)(1)(B) of this section as part of the next sequester report required by section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 904].

(c) Exception

Subsection (b) of this section shall not apply to a cancellation if a disapproval bill or other law that disapproves that cancellation is enacted into law prior to 10 calendar days (excluding Sundays) after the expiration of the time period set forth in section 691d(b)(1) of this title.

(d) Congressional Budget Office estimates

As soon as practicable after the President makes a cancellation from a law under section 691(a) of this title, the Director of the Congressional Budget Office shall provide the Committees on the Budget of the House of Representatives and the Senate with an estimate of the reduction of the budget authority and the reduction in outlays flowing from such reduction of budget authority for each outyear.

(Pub. L. 93-344, title X, §1024, as added Pub. L. 104-130, §2(a), Apr. 9, 1996, 110 Stat. 1202.)

TERMINATION OF SECTION

For termination of section by section 5 of Pub. L. 104-130, see Effective and Termination Dates note set out under section 691 of this title.

REFERENCES IN TEXT

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (a)(1), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, as amended, which enacted chapter 20 (§900 et seq.) and sections 654 to 656 of this title, amended sections 602, 622, 631 to 642, and 651 to 653 of this title, sections 1104 to 1106, and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of this title, enacted provisions set out as notes under section 900 of this title and section 911 of Title 42, and amended provisions set out as a note under section 621 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 900 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 691a of this title.

§ 691d. Expedited congressional consideration of disapproval bills**(a) Receipt and referral of special message**

Each special message transmitted under this subchapter shall be referred to the Committee on the Budget and the appropriate committee or committees of the Senate and the Committee on the Budget and the appropriate committee or committees of the House of Representatives. Each such message shall be printed as a document of the House of Representatives.

(b) Time period for expedited procedures

(1) There shall be a congressional review period of 30 calendar days of session, beginning on

the first calendar day of session after the date on which the special message is received in the House of Representatives and the Senate, during which the procedures contained in this section shall apply to both Houses of Congress.

(2) In the House of Representatives the procedures set forth in this section shall not apply after the end of the period described in paragraph (1).

(3) If Congress adjourns at the end of a Congress prior to the expiration of the period described in paragraph (1) and a disapproval bill was then pending in either House of Congress or a committee thereof (including a conference committee of the two Houses of Congress), or was pending before the President, a disapproval bill for the same special message may be introduced within the first five calendar days of session of the next Congress and shall be treated as a disapproval bill under this subchapter, and the time period described in paragraph (1) shall commence on the day of introduction of that disapproval bill.

(c) Introduction of disapproval bills

(1) In order for a disapproval bill to be considered under the procedures set forth in this section, the bill must meet the definition of a disapproval bill and must be introduced no later than the fifth calendar day of session following the beginning of the period described in subsection (b)(1) of this section.

(2) In the case of a disapproval bill introduced in the House of Representatives, such bill shall include in the first blank space referred to in section 691e(6)(C) of this title a list of the reference numbers for all cancellations made by the President in the special message to which such disapproval bill relates.

(d) Consideration in House of Representatives

(1) Any committee of the House of Representatives to which a disapproval bill is referred shall report it without amendment, and with or without recommendation, not later than the seventh calendar day of session after the date of its introduction. If any committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill, except that such a motion may not be made after the committee has reported a disapproval bill with respect to the same special message. A motion to discharge may be made only by a Member favoring the bill (but only at a time or place designated by the Speaker in the legislative schedule of the day after the calendar day on which the Member offering the motion announces to the House his intention to do so and the form of the motion). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(2) After a disapproval bill is reported or a committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole

House on the State of the Union for consideration of the bill. If reported and the report has been available for at least one calendar day, all points of order against the bill and against consideration of the bill are waived. If discharged, all points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed, shall be confined to the bill, and shall not exceed one hour equally divided and controlled by a proponent and an opponent of the bill. The bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. No amendment to the bill is in order, except any Member if supported by 49 other Members (a quorum being present) may offer an amendment striking the reference number or numbers of a cancellation or cancellations from the bill. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except pro forma amendments for the purposes of debate only. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

(3) Appeals from decisions of the Chair regarding application of the rules of the House of Representatives to the procedure relating to a disapproval bill shall be decided without debate.

(4) It shall not be in order to consider under this subsection more than one disapproval bill for the same special message except for consideration of a similar Senate bill (unless the House has already rejected a disapproval bill for the same special message) or more than one motion to discharge described in paragraph (1) with respect to a disapproval bill for that special message.

(e) Consideration in Senate

(1) Referral and reporting

Any disapproval bill introduced in the Senate shall be referred to the appropriate committee or committees. A committee to which a disapproval bill has been referred shall report the bill not later than the seventh day of session following the date of introduction of that bill. If any committee fails to report the bill within that period, that committee shall be automatically discharged from further consideration of the bill and the bill shall be placed on the Calendar.

(2) Disapproval bill from House

When the Senate receives from the House of Representatives a disapproval bill, such bill shall not be referred to committee and shall be placed on the Calendar.

(3) Consideration of single disapproval bill

After the Senate has proceeded to the consideration of a disapproval bill for a special message, then no other disapproval bill originating in that same House relating to that same message shall be subject to the procedures set forth in this subsection.

(4) Amendments

(A) Amendments in order

The only amendments in order to a disapproval bill are—

- (i) an amendment that strikes the reference number of a cancellation from the disapproval bill; and
- (ii) an amendment that only inserts the reference number of a cancellation included in the special message to which the disapproval bill relates that is not already contained in such bill.

(B) Waiver or appeal

An affirmative vote of three-fifths of the Senators, duly chosen and sworn, shall be required in the Senate—

- (i) to waive or suspend this paragraph; or
- (ii) to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(5) Motion nondebatable

A motion to proceed to consideration of a disapproval bill under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

(6) Limit on consideration

(A) After no more than 10 hours of consideration of a disapproval bill, the Senate shall proceed, without intervening action or debate (except as permitted under paragraph (9)), to vote on the final disposition thereof to the exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or to table.

(B) A single motion to extend the time for consideration under subparagraph (A) for no more than an additional five hours is in order prior to the expiration of such time and shall be decided without debate.

(C) The time for debate on the disapproval bill shall be equally divided between the Majority Leader and the Minority Leader or their designees.

(7) Debate on amendments

Debate on any amendment to a disapproval bill shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.

(8) No motion to recommit

A motion to recommit a disapproval bill shall not be in order.

(9) Disposition of Senate disapproval bill

If the Senate has read for the third time a disapproval bill that originated in the Senate,

then it shall be in order at any time thereafter to move to proceed to the consideration of a disapproval bill for the same special message received from the House of Representatives and placed on the Calendar pursuant to paragraph (2), strike all after the enacting clause, substitute the text of the Senate disapproval bill, agree to the Senate amendment, and vote on final disposition of the House disapproval bill, all without any intervening action or debate.

(10) Consideration of House message

Consideration in the Senate of all motions, amendments, or appeals necessary to dispose of a message from the House of Representatives on a disapproval bill shall be limited to not more than four hours. Debate on each motion or amendment shall be limited to 30 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the House message shall be limited to 20 minutes. Any time for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, amendment, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.

(f) Consideration in conference

(1) Convening of conference

In the case of disagreement between the two Houses of Congress with respect to a disapproval bill passed by both Houses, conferees should be promptly appointed and a conference promptly convened, if necessary.

(2) House consideration

(A) Notwithstanding any other rule of the House of Representatives, it shall be in order to consider the report of a committee of conference relating to a disapproval bill provided such report has been available for one calendar day (excluding Saturdays, Sundays, or legal holidays, unless the House is in session on such a day) and the accompanying statement shall have been filed in the House.

(B) Debate in the House of Representatives on the conference report and any amendments in disagreement on any disapproval bill shall each be limited to not more than one hour equally divided and controlled by a proponent and an opponent. A motion to further limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(3) Senate consideration

Consideration in the Senate of the conference report and any amendments in disagreement on a disapproval bill shall be limited to not more than four hours equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit the conference report is not in order.

(4) Limits on scope

(A) When a disagreement to an amendment in the nature of a substitute has been referred

to a conference, the conferees shall report those cancellations that were included in both the bill and the amendment, and may report a cancellation included in either the bill or the amendment, but shall not include any other matter.

(B) When a disagreement on an amendment or amendments of one House to the disapproval bill of the other House has been referred to a committee of conference, the conferees shall report those cancellations upon which both Houses agree and may report any or all of those cancellations upon which there is disagreement, but shall not include any other matter.

(Pub. L. 93-344, title X, §1025, as added Pub. L. 104-130, §2(a), Apr. 9, 1996, 110 Stat. 1203.)

TERMINATION OF SECTION

For termination of section by section 5 of Pub. L. 104-130, see Effective and Termination Dates note set out under section 691 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 691c of this title.

§ 691e. Definitions

As used in this subchapter:

(1) Appropriation law

The term “appropriation law” means an Act referred to in section 105 of title 1, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

(2) Calendar day

The term “calendar day” means a standard 24-hour period beginning at midnight.

(3) Calendar days of session

The term “calendar days of session” shall mean only those days on which both Houses of Congress are in session.

(4) Cancel

The term “cancel” or “cancellation” means—

(A) with respect to any dollar amount of discretionary budget authority, to rescind;

(B) with respect to any item of new direct spending—

(i) that is budget authority provided by law (other than an appropriation law), to prevent such budget authority from having legal force or effect;

(ii) that is entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect; or

(iii) through the food stamp program, to prevent the specific provision of law that results in an increase in budget authority or outlays for that program from having legal force or effect; and

(C) with respect to a limited tax benefit, to prevent the specific provision of law that provides such benefit from having legal force or effect.

(5) Direct spending

The term “direct spending” means—

- (A) budget authority provided by law (other than an appropriation law);
- (B) entitlement authority; and
- (C) the food stamp program.

(6) Disapproval bill

The term “disapproval bill” means a bill or joint resolution which only disapproves one or more cancellations of dollar amounts of discretionary budget authority, items of new direct spending, or limited tax benefits in a special message transmitted by the President under this subchapter and—

(A) the title of which is as follows: “A bill disapproving the cancellations transmitted by the President on _____”, the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

(B) which does not have a preamble; and

(C) which provides only the following after the enacting clause: “That Congress disapproves of cancellations _____”, the blank space being filled in with a list by reference number of one or more cancellations contained in the President’s special message, “as transmitted by the President in a special message on _____”, the blank space being filled in with the appropriate date, “regarding _____”, the blank space being filled in with the public law number to which the special message relates.

(7) Dollar amount of discretionary budget authority

(A) Except as provided in subparagraph (B), the term “dollar amount of discretionary budget authority” means the entire dollar amount of budget authority—

(i) specified in an appropriation law, or the entire dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; and

(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

(B) The term “dollar amount of discretionary budget authority” does not include—

(i) direct spending;

(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

(iii) any existing budget authority rescinded or canceled in an appropriation law; or

(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

(8) Item of new direct spending

The term “item of new direct spending” means any specific provision of law that is estimated to result in an increase in budget authority or outlays for direct spending relative to the most recent levels calculated pursuant to section 907 of this title.

(9) Limited tax benefit

(A) The term “limited tax benefit” means—

(i) any revenue-losing provision which provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries under title 26 in any fiscal year for which the provision is in effect; and

(ii) any Federal tax provision which provides temporary or permanent transitional relief for 10 or fewer beneficiaries in any fiscal year from a change to title 26.

(B) A provision shall not be treated as described in subparagraph (A)(i) if the effect of that provision is that—

(i) all persons in the same industry or engaged in the same type of activity receive the same treatment;

(ii) all persons owning the same type of property, or issuing the same type of investment, receive the same treatment; or

(iii) any difference in the treatment of persons is based solely on—

(I) in the case of businesses and associations, the size or form of the business or association involved;

(II) in the case of individuals, general demographic conditions, such as income, marital status, number of dependents, or tax return filing status;

(III) the amount involved; or

(IV) a generally-available election under title 26.

(C) A provision shall not be treated as described in subparagraph (A)(ii) if—

(i) it provides for the retention of prior law with respect to all binding contracts or other legally enforceable obligations in existence on a date contemporaneous with congressional action specifying such date; or

(ii) it is a technical correction to previously enacted legislation that is estimated to have no revenue effect.

(D) For purposes of subparagraph (A)—

(i) all businesses and associations which are related within the meaning of sections

707(b) and 1563(a) of title 26 shall be treated as a single beneficiary;

(ii) all qualified plans of an employer shall be treated as a single beneficiary;

(iii) all holders of the same bond issue shall be treated as a single beneficiary; and

(iv) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision.

(E) For purposes of this paragraph, the term “revenue-losing provision” means any provision which results in a reduction in Federal tax revenues for any one of the two following periods—

(i) the first fiscal year for which the provision is effective; or

(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective.

(F) The terms used in this paragraph shall have the same meaning as those terms have generally in title 26, unless otherwise expressly provided.

(10) OMB

The term “OMB” means the Director of the Office of Management and Budget.

(Pub. L. 93-344, title X, §1026, as added Pub. L. 104-130, §2(a), Apr. 9, 1996, 110 Stat. 1207.)

TERMINATION OF SECTION

For termination of section by section 5 of Pub. L. 104-130, see Effective and Termination Dates note set out under section 691 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 691, 691d, 691f of this title.

§ 691f. Identification of limited tax benefits

(a) Statement by Joint Tax Committee

The Joint Committee on Taxation shall review any revenue or reconciliation bill or joint resolution which includes any amendment to title 26 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any limited tax benefits. The Joint Committee on Taxation shall provide to the committee of conference a statement identifying any such limited tax benefits or declaring that the bill or joint resolution does not contain any limited tax benefits. Any such statement shall be made available to any Member of Congress by the Joint Committee on Taxation immediately upon request.

(b) Statement included in legislation

(1) Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to title 26 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the state-

ment of the Joint Committee on Taxation, but only in the manner set forth in paragraph (2).

(2) The separate section permitted under paragraph (1) shall read as follows: “Section 1021(a)(3) of the Congressional Budget and Impoundment Control Act of 1974 shall _____ apply to _____.”, with the blank spaces being filled in with—

(A) in any case in which the Joint Committee on Taxation identifies limited tax benefits in the statement required under subsection (a), the word “only” in the first blank space and a list of all of the specific provisions of the bill or joint resolution identified by the Joint Committee on Taxation in such statement in the second blank space; or

(B) in any case in which the Joint Committee on Taxation declares that there are no limited tax benefits in the statement required under subsection (a), the word “not” in the first blank space and the phrase “any provision of this Act” in the second blank space.

(c) President’s authority

If any revenue or reconciliation bill or joint resolution is signed into law pursuant to Article I, section 7, of the Constitution of the United States—

(1) with a separate section described in subsection (b)(2) of this section, then the President may use the authority granted in section 691(a)(3) of this title only to cancel any limited tax benefit in that law, if any, identified in such separate section; or

(2) without a separate section described in subsection (b)(2) of this section, then the President may use the authority granted in section 691(a)(3) of this title to cancel any limited tax benefit in that law that meets the definition in section 691e of this title.

(d) Congressional identifications of limited tax benefits

There shall be no judicial review of the congressional identification under subsections (a) and (b) of this section of a limited tax benefit in a conference report.

(Pub. L. 93-344, title X, §1027, as added Pub. L. 104-130, §2(a), Apr. 9, 1996, 110 Stat. 1210.)

TERMINATION OF SECTION

For termination of section by section 5 of Pub. L. 104-130, see Effective and Termination Dates note set out under section 691 of this title.

REFERENCES IN TEXT

Section 1021(a)(3) of the Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (b)(2), is classified to section 691(a)(3) of this title.

§ 692. Judicial review

(a) Expedited review

(1) Any Member of Congress or any individual adversely affected by part C of title X of the Congressional Budget and Impoundment Control Act of 1974 [2 U.S.C. 691 et seq.] may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this part violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly

delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) Appeal to Supreme Court

Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) of this section shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) of this section shall be issued by a single Justice of the Supreme Court.

(c) Expedited consideration

It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a) of this section.

(Pub. L. 104-130, §3, Apr. 9, 1996, 110 Stat. 1211.)

REFERENCES IN TEXT

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (a)(1), is Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. Part C of title X of the Act is classified generally to subchapter III (§691 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

CODIFICATION

Section was enacted as part of the Line Item Veto Act, and not as part of the Line Item Veto Act of 1996 which comprises this subchapter.

TERMINATION OF SECTION

For termination of section by section 5 of Pub. L. 104-130, see Effective and Termination Dates note set out under section 691 of this title.

CHAPTER 18—LEGISLATIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

§§ 701 to 709. Transferred

CODIFICATION

Sections 701 to 709, comprising title I of the Ethics in Government Act of 1978, Pub. L. 95-521, was amended generally by Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1724, effective Jan. 1, 1991, and was transferred to section 101 et seq. of the Appendix to Title 5, Government Organization and Employees.

Section 701, Pub. L. 95-521, title I, §101, Oct. 26, 1978, 92 Stat. 1824; Pub. L. 96-19, §§2(a)(1), (b), (c)(1), 4(b)(1), (d)-(f), 5, June 13, 1979, 93 Stat. 37, 38, 40, related to legislative personnel financial disclosure.

Section 702, Pub. L. 95-521, title I, §102, Oct. 26, 1978, 92 Stat. 1825; Pub. L. 96-19, §§3(a)(1), (b), 6(a), 7(a)-(d)(1),

(f), 9(b), (c)(1), (j), June 13, 1979, 93 Stat. 39-43; Pub. L. 97-51, §130(b), Oct. 1, 1981, 95 Stat. 966; Pub. L. 98-150, §10, Nov. 11, 1983, 97 Stat. 962, related to contents of reports.

Section 703, Pub. L. 95-521, title I, §103, Oct. 26, 1978, 92 Stat. 1831; Pub. L. 96-19, §§4(b)(2), 9(a), June 13, 1979, 93 Stat. 40, 42, related to filing of reports.

Section 704, Pub. L. 95-521, title I, §104, Oct. 26, 1978, 92 Stat. 1832; Pub. L. 96-19, §8(a), June 13, 1979, 93 Stat. 41, related to accessibility of reports.

Section 705, Pub. L. 95-521, title I, §105, Oct. 26, 1978, 92 Stat. 1833, related to review and compliance procedures.

Section 706, Pub. L. 95-521, title I, §106, Oct. 26, 1978, 92 Stat. 1833, related to failure to file or filing false reports.

Section 707, Pub. L. 95-521, title I, §107, Oct. 26, 1978, 92 Stat. 1834; Pub. L. 96-19, §9(d), (g), June 13, 1979, 93 Stat. 42, 43; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095, related to definitions.

Section 708, Pub. L. 95-521, title I, §108, Oct. 26, 1978, 92 Stat. 1835; Pub. L. 96-19, §9(t), June 13, 1979, 93 Stat. 44, related to State laws affected.

Section 709, Pub. L. 95-521, title I, §109, Oct. 26, 1978, 92 Stat. 1836, related to study by Comptroller General.

CHAPTER 19—CONGRESSIONAL AWARD PROGRAM

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| Sec.
801. | Establishment, etc., of Congressional Award Board. |
| 802. | Program. <ul style="list-style-type: none"> (a) Establishment, functions, and purposes; nature of awards. (b) Implementation requirements for Board. (c) Presentation of awards. (d) Scholarships for recipients of Congressional Award Gold, Silver, and Bronze Medals. (e) Annual reporting requirements. (f) Congressional Award Program medals. |
| 803. | Board organization. <ul style="list-style-type: none"> (a) Membership; composition; appointment criteria; derivation of appointment. (b) Terms of appointed members; reappointment. (c) Vacancies in membership. (d) Notice; quorum. (e) Compensation for travel expenses of members. (f) Meetings. (g) Chairman and Vice Chairman. (h) Appointment, functions, etc., of committees; membership. (i) Bylaws and regulations; contents; transmittal to Congress. (j) Removal from Board. |
| 804. | Administration. <ul style="list-style-type: none"> (a) Director; status; appointment and term; removal. (b) Functions of Director. (c) Requirements regarding financial operations; noncompliance with requirements. |
| 805. | Regional award directors of program; appointment criteria. |
| 806. | Powers, functions, and limitations. <ul style="list-style-type: none"> (a) General operating and expenditure authority. (b) Mandatory functions. (c) Statewide Congressional Award Councils; establishment, purposes, duties, etc. (d) Contracting authority. (e) Obtaining and acceptance of non-Federal funds and resources; indirect resources. |